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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/768,958

01/30/2004

Yan Cang

A-04.05

4551

7590

03/05/2007

Arthur Jacob  
25 East Salem Street  
P.O. Box 686  
Hackensack, NJ 07601

EXAMINER

LISTVOYB, GREGORY

ART UNIT

PAPER NUMBER

1711

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
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3 MONTHS

03/05/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

## Office Action Summary

Application No.

10/768,958

Applicant(s)

CANG, YAN

Examiner

Gregory Listvoyb

Art Unit

1711

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

Claims 1, 4-5, 10, 14, 15, 17 and 18 rejected under 35 U.S.C. 102(b) as being anticipated by Kim et al (US publication 2002/0056937), herein Kim.

Kim discloses a method of producing a precursor material suitable for the production of mechanical objects by a forming process, comprising the steps of introducing rice husks, combining corn or potato starch (Page 1, line 0006) with water to produce a binding agent, mixing rice husks with the glue, drying and milling (Example 1).

Claims 1, 3-5, 10-11, 14, 15-17 and 18 rejected under 35 U.S.C. 102(b) as being anticipated by Reischl et al (US patent 4454259), herein Reischl.

Reischl teaches a process for the preparation of polyaddition products of isocyanates and denatured biomasses. The above process comprising introducing biomasses of vegetable or animal origin, combining it with starch and cellulose (column 19, line 65), glycolipids (column 22, line 10) with following adding of binding agent (isocyanate) at the presence of catalyst (column 17, line 40) drying (column 8, line 60) and milling (column 9, line 10) the composition.

Regarding claim 3, the mixture is dried at temperature between 50 and 200C.

In reference to Claims 11 and 16, lipid can be copolymerised with isocyanate, wherein participating in a binder.

***Claim Rejections - 35 USC § 102/103***

Claims 1, 11, 16 and 18 rejected under 35 U.S.C. 102/103 as being as being anticipated by Kim as evidenced by Suzuki et al (Oxidative stability...J..Agric. chem, 1996, 44, 3479-3483), herein Suzuki.

Kim discloses a method of producing a precursor material suitable for the production of mechanical objects by a forming process, comprising the steps of introducing rice husks, combining corn or potato starch (Page 1, line 0006) with water to produce a binding agent, mixing rice husks with the glue, drying and milling (Example 1).

Regarding Claims 11, 12, 13, 16 and 18 Suzuki evidences that Lipxygenase is a component of rice seeds (Abstract). Therefore, Kim's composition inherently includes lipids.

Claims 1 and 7 rejected under 35 U.S.C. 102/103 as being as being anticipated by Kim as evidenced by Yoshihara et al (Oxalic acid..., Ent. exp& appl., 27(1980), 149-155) herein Yoshihara.

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Kim discloses a method of producing a precursor material suitable for the production of mechanical objects by a forming process, comprising the steps of introducing rice husks, combining corn or potato starch (Page 1, line 0006) with water to produce a binding agent, mixing rice husks with the glue, drying and milling (Example 1).

Regarding Claim 7, Yoshihara evidences that rice contains catalytic amounts of oxalic acid (page 149). Therefore, Kim's composition inherently includes oxalic acid.

Claims 1, 4, 6 and 8-9 rejected under 35 U.S.C. 102(b) as being anticipated by Franke et al (US patent 5766529), herein Franke.

Franke teaches a composition comprising corn meal, starch, binding PVA and a lipid which is undergoes two step processing steps (Example 1).

***Claim Rejections - 35 USC § 103***

Claim 1-3 rejected under 35 U.S.C. 103(a) as being unpatentable over Kim.

Kim discloses a method of producing a precursor material suitable for the production of mechanical objects by a forming process, comprising the steps of introducing rice husks, combining corn or potato starch (Page 1, line 0006) with water to

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produce a binding agent, mixing rice husks with the glue, drying and milling (Example 1).

Kim does not teach drying step length between 20 and 60 minutes at temperature between 60 and 80C.

However, it would be obvious to a person with ordinary skills in the art to optimize process of water removal and curing the ingredients in order to process Kim's composition.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory Listvoyb whose telephone number is (571) 272-6105. The examiner can normally be reached on 9am-6pm.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Seidleck can be reached on (571) 272-1078. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Gregory Listvoyb  
Examiner  
Art Unit 1711

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James J. Seidleck  
Supervisory Patent Examiner  
Technology Center 1700

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